



February 16, 1999

## HOUSE BILL No. 2081

DIGEST OF HB2081 (Updated February 12, 1999 1:24 pm - DI 94)

**Citations Affected:** IC 8-10; noncode.

**Synopsis:** Indiana port commission appointments. Requires that three members of the Indiana port commission must be residents of counties in which ports under the jurisdiction of the commission are located (currently Clark, Porter, and Posey counties). Requires the governor to appoint one resident of Porter County and one resident of Posey County to replace the two members of the commission whose terms expire July 1, 1999. (One member of the commission currently resides in Clark County, with a term expiring July 1, 2001.) Makes technical changes.

**Effective:** Upon passage.

**Ayres, Brown C**

January 27, 1999, read first time and referred to Committee on Local Government.  
February 15, 1999, reported — Do Pass.

HB 2081—LS 8092/DI 44+



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February 16, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 2081

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-10-1-3 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is ~~hereby~~ created  
3 a commission ~~to be~~ known as the "Indiana port commission" and by  
4 that name the commission may sue and be sued, and plead and be  
5 impleaded. The commission ~~hereby created~~ is a body both corporate  
6 and politic in the state of Indiana. ~~and~~ The exercise by the commission  
7 of the powers conferred by this chapter in the construction, operation,  
8 and maintenance of a port project ~~shall be deemed and held to be is an~~  
9 essential governmental ~~functions~~ **function** of the state, but the  
10 commission ~~shall is~~ not ~~however be~~ immune from liability. ~~by reason~~  
11 ~~thereof~~.
- 12 (b) The commission ~~shall consist~~ **consists** of seven (7) members,  
13 appointed by the governor, ~~no not~~ more than four (4) of whom ~~shall~~  
14 **may** be members of the same political party. The members ~~shall must~~:
- 15 (1) be residents of the state; ~~and shall have been~~  
16 (2) **be** qualified electors ~~therein of the state~~ for a period of at  
17 least five (5) years next preceding their appointment; ~~and~~

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**(3) include at least one (1) member appointed from each county in which a port over which the commission has jurisdiction is located.**

The members of the commission ~~first appointed~~ shall continue in office for **four (4) year** terms ~~expiring, in the case of two (2) members, on July 1, 1962, and in the case of three (3) members, on July 1, 1963, July 1, 1964, and July 1, 1965 and the first two (2) members appointed after January 1, 1975, shall continue in office for terms expiring July 1, 1977 for one (1) member and July 1, 1979 for the other member, respectively,~~ and until their respective successors ~~shall be~~ **are** duly appointed and qualified. ~~The term of any member of the commission first appointed shall be designated by the governor. The successor of each such member shall be appointed for a term of four (4) years, except that any A person appointed to fill a vacancy shall be appointed to may~~ serve only for the unexpired term. ~~and~~ A member of the commission ~~shall be~~ **is** eligible for reappointment. The governor may at any time remove any member of the commission for misfeasance, nonfeasance, or malfeasance in office.

**(c)** The members of the commission shall, within ten (10) days after their appointment, meet and qualify by subscribing an oath to discharge honestly and faithfully the duties of their office as members of ~~such the~~ commission. The commission shall ~~thereafter~~ elect one (1) of the members as chairman and another as vice chairman, and shall appoint a secretary-treasurer who need not be a member of the commission.

**(d)** Four (4) members of the commission ~~shall~~ constitute a quorum and the affirmative vote of four (4) members ~~shall be~~ **is** necessary for any official action taken by the commission. ~~No A~~ vacancy in the membership of the commission ~~shall does not~~ impair the rights of a quorum to exercise all the rights and perform all the duties of the commission.

**(e)** Before the issuance of any port revenue bonds under the provisions of this chapter, each appointed member of the commission shall give a surety bond to the state in the penal sum of twenty-five thousand dollars (\$25,000), and the secretary-treasurer shall give a surety bond to the state in the penal sum of fifty thousand dollars (\$50,000), each such surety bond to be:

- (1)** conditioned upon the faithful performance of the duties of the office; ~~to be~~
- (2)** executed by a surety company authorized to transact business in the state as surety; ~~and to be~~
- (3)** approved by the governor; and
- (4)** filed in the office of the secretary of state.



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(f) Each appointed member of the commission shall receive an annual salary of seven thousand five hundred dollars (\$7,500), payable in monthly ~~instalments~~ **installments**. However, ~~no members a member~~ of such the commission as appointed hereunder shall **may not** receive any salary except a per diem as fixed and approved by the budget director until ~~said the~~ commission is able to carry on the full operations as intended by this chapter. ~~and~~ The budget director, subject to the approval of the governor, ~~of the state of Indiana~~, shall determine when ~~said~~ salaries for ~~said the~~ commission members shall commence. ~~The governor shall; however, appoint said members as herein provided within a period of sixty (60) days following the effective date of this chapter.~~ Each member shall be reimbursed for ~~his the member's~~ actual expenses necessarily incurred in the performance of ~~his the member's~~ duties.

(g) All expenses incurred in carrying out ~~the provisions of this chapter shall be~~ **are** payable solely from funds provided under ~~the authority of this chapter. and no~~ A liability or ~~an obligation shall may not~~ be incurred by the commission ~~hereunder under this chapter~~ beyond the extent to which ~~moneys shall have money has~~ been provided under ~~the authority of this chapter.~~

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 8-10-1-3, as amended by this act, the governor shall appoint:

(1) one (1) resident from a county having a population of more than one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000); and

(2) one (1) resident from a county having a population of more than twenty-five thousand nine hundred fifty (25,950) but less than twenty-six thousand (26,000);

to succeed the two (2) members of the Indiana port commission whose terms expire June 30, 1999.

(b) This SECTION expires June 30, 2000.

SECTION 3. An emergency is declared for this act.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 2081, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 9, nays 2.

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